

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

AUG - 1 2019

David J. Bradley, Clerk

United States of America

v.

Mariano Benjamin GUTIERREZ-Munoz
YOB: 1975

MX CTZ

Case No. 19-1791-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 31, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC 841

Offense Description

Knowingly and intentionally possess with intent to distribute a controlled substance, that is approximately 31.00 kilograms of methamphetamine, a schedule II controlled substance under the Controlled Substances Act

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.APPROVED BY AUSA PATRICIA C. PROFF
ON 08/01/2019


Complainant's signature

Ashley Brazelton, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

August 1, 2019
8:44 am

Judge's signature

City and state:

McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On July 31, 2019, at approximately 5:35 pm, Texas DPS Trooper G. Castillo conducted a traffic stop on a blue Ford F150 bearing Texas license plate LVB-1364 for Speeding Over Limit in Mercedes, Texas. After a brief questioning, Trooper Castillo suspected the driver and passenger were illegally present in the United States because they failed to provide a state or federal identification card. Trooper Castillo then requested the assistance of Border Patrol Agents. On the same date, at approximately 6:05 pm, Border Patrol Agents (BPAs) arrived on scene to conduct an immigration inspection. After a brief questioning, the driver, identified as Mariano GUTIERREZ-Muñoz and front passenger, Ediberto PIÑON-Canales, both admitted to being Mexican Nationals with no immigration documents to remain legally in the United States. Both subjects were placed under arrest for being illegally in the United States.

On the same date, at approximately 6:18 p.m., BPAs advised and read GUTIERREZ his Miranda Rights in the Spanish language. GUTIERREZ stated he understood his rights and signed accordingly. GUTIERREZ waived his rights and was willing to answer questions without a lawyer present. On the same date, at approximately 6:20 pm, GUTIERREZ gave verbal and written consent to search his residence of 517 Brooks Avenue, Mercedes, Texas 78570 as witnessed by the BPAs. GUTIERREZ provided the key to his house which was on the ring of his truck keys.

On the same date, at approximately 6:30 p.m., USBP agents advised and read PIÑON his rights in the Spanish language. PIÑON stated he understood his rights but was unwilling to sign. PIÑON was unwilling to answer questions without a lawyer present.

On the same date, at approximately 6:55 p.m., GUTIERREZ and PIÑON were transported by DPS Troopers to 517 Brooks Avenue, Mercedes, Texas 78570 for the search of GUTIERREZ' residence. At approximately 7:15 p.m., agents conducted a search of GUTIERREZ' residence utilizing the house key provided by GUTIERREZ. No other persons or contraband were found in the residence. Pharr Police Department Officer Daniel Calvillo and his narcotics K-9 Partner "Chachi" conducted a search of the residence with negative results. Agents observed a white Ford Explorer bearing paper tags parked under the carport in the property. At approximately 7:36, USBP agents approached GUTIERREZ in regards to the owner of the Ford Explorer. GUTIERREZ first advised the car belonged to a friend of his. The registration revealed the registered owner was his wife Ileri Yadid LOREDO. GUTIERREZ then admitted the vehicle belonged to his wife. When asked what was inside the vehicle, GUTIERREZ stated there were two speaker boxes he purchased a week ago. GUTIERREZ then gave USBP agents verbal consent to search the white Ford Explorer and stated the keys to the vehicle were in the center console of his blue Ford F150. At approximately 7:38 p.m., Pharr PD K-9 "Chachi" gave a positive indication to presence of narcotic odor emitting from the rear trunk area of the white Ford Explorer in the driveway. In addition, GUTIERREZ gave written consent to agents to search the white Ford Explorer.

Agents subsequently opened the rear hatch of the white Ford Explorer and observed two speaker boxes and a black cloth brief case with miscellaneous documents. The speakers were removed from the Ford Explorer and placed on the ground. Officer Calvillo then performed a separate open air sniff of speaker boxes with his K-9 "Chachi". The K-9 "Chachi" once again alerted to the presence of narcotic odor emitting from the speaker boxes. A follow up search of the Ford Explorer was negative for any further detected items.

ATTACHMENT A

Subsequent to the seizure of the speaker boxes, agents extracted approximately 31 kilograms of crystal methamphetamine from the two speaker boxes. In addition, agents took custody of a black cloth brief case in which they discovered a stack of an undetermined amount of U.S. currency in what appeared to be \$100 bills wrapped in plastic and rubber bands.

At approximately 8:46 p.m., GUTIERREZ was re-read his Miranda Rights in his preferred language of Spanish. GUTIERREZ acknowledged his Miranda Rights both verbally and in writing and agreed to speak with agents without a lawyer present. During a post-arrest interview with GUTIERREZ, he stated that he had the speaker boxes for approximately eight (8) days and that a subject only known as "Primo" dropped them off at his (GUTIERREZ) residence for temporary safekeeping. GUTIERREZ admitted to knowing that something "bad" was inside the speakers, but still kept them and also accepted \$500 cash from "Primo" as his payment of storing them. When agents asked GUTIERREZ to clarify what he meant by "bad" GUTIERREZ stated drugs. GUTIERREZ stated that he had done this once before, the storing of the speaker boxes, before approximately two months ago and was paid the same amount of \$500 U.S. cash by "Primo". At approximately 9:02 p.m. agents concluded the interview.